

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

JUL 22 2005

~~Ex parte~~  
U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

~~Ex parte~~ PATRICK M. LAVELLE, THOMAS C. MALONE  
and JAMES R. TRANCHINA

Application No. 09/698,918

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

In the Final rejection mailed on January 28, 2004, the examiner rejected claims 1-9, 15-18 and 25-27 under 35 U.S.C. § 103 as unpatentable over Adams in view of Murphy "further in view of Boyden." However, on page 3 of the Examiner's Answer mailed on November 15, 2004, the examiner drops the Boyden reference from the aforementioned rejection. Therefore, it is not clear whether or not the examiner has dropped the Boyden reference from the rejection of claims 1-9, 15-18 and 25-27, or

whether the examiner inadvertently omitted this reference.

Clarification is required.

Accordingly, it is

ORDERED that the application is returned to the examiner to clarify for the record the rejection of claims 1-9, 15-18 and 25-27 as it pertains to the Boyden reference, to notify appellants in writing as to the status of this rejection with respect to the Boyden reference, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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DMS/clm/hh